



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/048,838	03/27/98	JOHNSON	B 540113

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EXAMINER

ELDRED, J

ART UNIT	PAPER NUMBER
3644	17

DATE MAILED: 01/04/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/048,838	Johnson
Examiner Woodrow Eldred	Group Art Unit 3644

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- Responsive to communication(s) filed on 12-14-99.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- Claim(s) 1-17 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 1-10 and 13-17 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ Interview Summary, PTO-413
- Notice of References Cited, PTO-892 Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948 Other _____

Office Action Summary

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(1). Claims 1-10 and 13-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of the independent claims, the phrase “rubber or rubber-like” is alternative and indefinite. In particular, “rubber-like” is unclear as to what characteristics are being claimed as limitations.

(2). The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(3). Claims 1-10 and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al in view of Shine.

Williams et al discloses an externally mounted aircraft fairing arrangement (10) for mounting on an aircraft wing that has a hingedly displaceable control surface comprising of a first (11) and second (12) fairing position bridged over by an intermediate flexible seal arrangement (13) comprising of a plurality of slidably overlapping layers (16). Note the nylon or spring steel of the sheet element (16, 17) in Williams et al is readable as being “rubber-like” since they are flexible members. In column 2, lines 24-34, Williams et al discloses a flexible seal assembly comprising of a sheet element (16, 17) of rubber or rubber-like material having a

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plurality of reinforcing plies (16). The plies (16) are arranged such that they are staggered to ensure an uninterrupted sealing surface. It is well known in the art to utilize flexible material such as rubber or rubber-like material having buckle-reductive and low friction characteristics comprising of a plurality of plies placed in locations to adhesive maximum tensile strength to prolong the life of the flexible seal arrangement in order to withstand the movement and displacement of the control surface. Williams et al fail to show one of the plies comprising a fabric material. Shine teaches that it is known to use plies of rubber and fabric to form aircraft seals. See especially column 3, line 61 - column 4, line 2. Motivation to combine is the mere substitution of known seal materials to perform the same sealing function with the inherent improvement of increased strength by including fabric within the seal. To employ the teachings of Shine on the seal of Williams et al and have fabric within the plies of the seal is considered to have been obvious to one having ordinary skill in the art.

(4). Any inquiry concerning this communication should be directed to J. Woodrow Eldred at telephone number (703) 306-4151.

Eldred/cw
December 9, 2000

J. Woodrow Eldred
J. WOODROW ELDRED
PRIMARY EXAMINER
GROUP 220